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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 SONIA POWELL,

9 Plaintiff,

v.

10 KING COUNTY, et al.,

11 Defendants.
12

CASE NO. C19-929 RSM

ORDER AFFIRMING ORDER
DECLINING TO RECUSE

13 This matter comes before the Court on Plaintiff Sonia Powell's ("Plaintiff")
14 motion seeking recusal of Chief Judge Ricardo S. Martinez, Dkt. 14, and Chief Judge
15 Martinez's order declining to recuse, Dkt. 18.

16 The applicable recusal statute provides as follows:

17 (a) Any justice, judge, or magistrate judge of the United States shall
18 disqualify himself in any proceeding in which his impartiality might
reasonably be questioned.

19 (b) He shall also disqualify himself in the following circumstances:

20 (1) Where he has a personal bias or prejudice concerning a party, or
personal knowledge of disputed evidentiary facts concerning the
proceeding;

21 (2) Where in private practice he served as lawyer in the matter in
controversy, or a lawyer with whom he previously practiced law served
22 during such association as a lawyer concerning the matter, or the judge or
such lawyer has been a material witness concerning it;

1 (3) Where he has served in governmental employment and in such capacity
2 participated as counsel, adviser or material witness concerning the
3 proceeding or expressed an opinion concerning the merits of the particular
4 case in controversy

5 28 U.S.C. § 455. Further, 28 U.S.C. § 144 provides that when “the judge before whom
6 the matter is pending has a personal bias or prejudice either against him or in favor of any
7 adverse party” a party may file an affidavit stating, “the facts and reasons for the belief
8 that bias or prejudice exists” and the case will be assigned to another judge. “Under both
9 statutes, recusal is appropriate where a reasonable person with knowledge of all the facts
10 would conclude that the judge’s impartiality might reasonably be questioned.” *Yagman v.*
11 *Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993) (internal quotations and citations
12 omitted).

13 Plaintiff argues Chief Judge Martinez should recuse pursuant to 28 U.S.C. §
14 455(a) & (b)(1). Dkt. 14 at 2.¹ Plaintiff argues Chief Judge Martinez is biased against her
15 or his impartiality may be questioned because in a previous case Plaintiff filed which was
16 assigned to Chief Judge Martinez, *Powell v. City of Pasco*, 2:16-cv-00648-RSM (W.D.
17 Wash. May 9, 2016), the Court issued an order for Plaintiff to show cause why venue
18 should not be transferred pursuant to Local Rule 3(d) based on the location of the parties
19 and the precipitating event.

20 The Court finds that Plaintiff has failed to establish that recusal is necessary or
21 appropriate. Disagreement with prior adverse rulings is an insufficient basis for recusal.

22 ¹ While Plaintiff explains that the case was originally assigned to Judge Richard A. Jones,
who recused due to his spouse’s employment, the Court does not find this is relevant to Chief
Judge Martinez’s recusal. *Id.* at 1–2.

1 *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986). Therefore, the Court
2 **AFFIRMS** Chief Judge Martinez's decision not to recuse himself from this matter.

3 **IT IS SO ORDERED.**

4 Dated this 8th day of November, 2019.

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7 BENJAMIN H. SETTLE
8 United States District Judge
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